



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

Tentative Notice of Action

*Promoting the wise use of land
Helping build great communities*

| | | | |
|---|--|--|------------------------------------|
| MEETING DATE May 19, 2006 | CONTACT/PHONE Ryan Hostetter 788-2351 | APPLICANT Gilbert Gonzales | FILE NO. DRC2005-00135 |
| LOCAL EFFECTIVE DATE June 2, 2006 | | | |
| APPROX FINAL EFFECTIVE DATE June 23, 2006 | | | |
| SUBJECT Request by Gilbert Gonzales for a Minor Use Permit/Coastal Development Permit to allow the addition of a single story 780 square foot mobile home as a secondary residence on the property, and a waiver of the road improvement and paving requirements for the secondary residence. The project will result in the disturbance of approximately 780 square feet of a 1.03 acre parcel. The proposed project is within the Residential Suburban land use category and is located on the corner of Hillview and Los Reyes at 840 Los Reyes Way, approximately 1,236 feet west of the intersection of Highway 1 and Hillview in the Community of Callendar Garrett. The site is in the South County (coastal) planning area. | | | |
| RECOMMENDED ACTION Approve Minor Use Permit DRC2005-00135 based on the findings listed in Exhibit A and the conditions listed in Exhibit B. | | | |
| ENVIRONMENTAL DETERMINATION A Class 3 Categorical Exemption was issued on April 17, 2006 (ED05-408). | | | |
| LAND USE CATEGORY Residential Suburban | COMBINING DESIGNATION Local Coastal Plan and Coastal Appealable Zone | ASSESSOR PARCEL NUMBER 091-193-005 | SUPERVISOR DISTRICT(S) 4 |
| PLANNING AREA STANDARDS: Access to Highway 1 <i>Does the project meet applicable Planning Area Standards: Yes - see discussion</i> | | | |
| LAND USE ORDINANCE STANDARDS: Setbacks, Heights, Secondary Dwelling Unit Requirements <i>Does the project conform to the Land Use Ordinance Standards: Yes - see discussion</i> | | | |
| FINAL ACTION This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14-calendar day local appeal period after the administrative hearing. The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any construction permits prior to the end of the Coastal Commission process. | | | |

ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT:
COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242

| | |
|--|------------------------------------|
| EXISTING USES: Residential | |
| SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Residential Suburban/Residential <i>East:</i> Residential Suburban/Residential <i>South:</i> Residential Suburban/Residential <i>West:</i> Industrial/Industrial | |
| OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Nipomo CSD, Cal Trans, RWQCB, Coastal Commission, City of Arroyo Grande, and the Nipomo Community Advisory Council. | |
| TOPOGRAPHY: Mostly flat terrain | VEGETATION: Grasses, and sand |
| PROPOSED SERVICES: Water supply: Woodland Park (community system) Sewage Disposal: Individual septic system Fire Protection: CDF | ACCEPTANCE DATE: April 11, 2006 |

DISCUSSION

PLANNING AREA STANDARDS:

Access to Highway 1: Developments proposed adjacent to Highway 1 are to be designed to not have direct access to the highway, unless no alternative public road access is available. *The project is located on Los Reyes which does not directly impact Highway 1.*

COASTAL ZONE LAND USE ORDINANCE STANDARDS:

Setbacks: The project complies with the setback requirements in the following table:

| Setback | Required 23.04.100 | Proposed |
|--------------------|-----------------------------------|----------|
| Front | 25' | 25' |
| Rear | 30' on parcels one acre or larger | 30' |
| Side & Corner Side | 30' on parcels one acre or larger | 30' |

Height: The required height limit is 35'. *The project complies with this standard at 15'.*

Secondary Dwelling Units: Secondary dwelling units require that the owner live on-site, and the minimum access standards require that the road along the frontage of the project site be chip seal or better. The applicant is requesting a waiver of the road improvement requirements for this proposal. Based on previous projects within this neighborhood where the road improvements have been waived and a concurrence by the County Public Works Department, staff is recommending approval of the road improvement and maintenance waiver request. Following is a table of other standards for secondary dwelling units:

| Standard | Required | Proposed |
|--|-------------------------------------|--------------------|
| Minimum Site Area | One Acre (43,560 square feet gross) | 45,000 square feet |
| Maximum Floor Area | 800 square feet | 780 square feet |
| Distance From Primary Dwelling Unit | 50 feet | 50 feet |
| Required Parking (not including primary residence) | one off street space | Existing driveway. |

COASTAL PLAN POLICIES:

Coastal Watersheds:

Policy 7: Siting of new development: The proposed project is consistent with this policy because the proposed mobile home will be located on an existing lot of record in the Residential Suburban category on slopes less than 20%.

Policy 8: Timing of new construction: The proposed project is consistent with this policy because if grading is to occur or left unfinished between October 15 through April 15 the project is required to have an erosion and sedimentation control plan and all sedimentation and erosion control measures will be in place before the start of the rainy season.

Policy 10: Drainage Provisions: The proposed project is consistent with this policy because the project is required to have a drainage plan that shows the construction of the addition will not increase erosion or runoff.

Hazards:

Policy 1: New Development: The proposed project is consistent with this policy because it is located and designed to minimize risks to human life and property.

Policy 2: Erosion and Geologic Stability: The proposed project is consistent with this policy because it is designed to ensure structural stability while not creating or contributing to erosion of geological instability.

Does the project meet applicable Coastal Plan Policies: Yes, as conditioned

STAFF COMMENTS: Based on a referral sent from the Regional Water Quality Control Board, planning staff has requested a percolation report which shows that the area contains "particularly favorable" site conditions to allow two residences on site for the septic system. The report was prepared by Mid Coast Geotechnical (November 23, 1998) for an adjacent property which shows no water encountered in a 25' boring conducted at the adjacent property to the west. Based on this report planning staff recommends approval of the site for the secondary dwelling unit based on particularly favorable site conditions.

COMMUNITY ADVISORY GROUP COMMENTS: Recommend approval of this project if CDF requirements are met.

AGENCY REVIEW:

Public Works- "No Comment"

Building Division - None received as of April 18, 2006 City of Arroyo Grande – "No Comment"

Nipomo CSD – None received as of April 18, 2006

Cal Trans - None received as of April 18, 2006

Regional Water Quality Control Board – "Proposed addition of a mobile home is inconsistent with the basin plan criteria for one acre per residence on septic. Water board does not agree with project unless the applicant demonstrates site is particularly favorable for on site disposal."

Ca. Coastal Commission - None received as of April 18, 2006

Woodland Park Mutual Water – Will serve dated March 1, 2006 submitted

LEGAL LOT STATUS:

The existing lot was legally established as there have been multiple permits approved on the subject property for the existing dwelling unit and accessory structures.

Staff report prepared by Ryan Hostetter and reviewed by Mike Wulkan.

EXHIBIT A - FINDINGS

Environmental Determination

- A. The project qualifies for a Categorical Exemption (Class 3) pursuant to CEQA Guidelines Section 15303 because the project includes a mobile home as a secondary dwelling unit on a nearly level parcel and will not disturb any sensitive habitat areas.

Coastal Access

- B. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project will not inhibit access to the coastal waters and recreation areas. The project is not located near the beach and will not have any effect on coastal access.

Minor Use Permit

- C. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies
- D. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code.
- E. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the project does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- F. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the project is similar to, and will not conflict with, the surrounding lands and uses.
- G. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on Alejandro, a local road constructed to a level able to handle any additional traffic associated with the project as conditioned

Secondary Dwelling Adjustments

- H. Waiver of the minimum access for secondary dwellings that requires access from a road/private easement that is maintained by the county, state or special district / road that is offered for dedication to the public and is surfaced with chip seal or better / private easement that is surfaced with chip seal or better AND/OR is maintained through organized maintenance is justified because the neighborhood does not contain any roads that are surfaced with chip seal or better, and previous secondary dwelling units within the same neighborhood have been approved with this waiver for road improvements. Based on discussion with the County Public Works Department it would be inconsistent with the neighborhood to require paving or road improvements within this neighborhood.

EXHIBIT B - CONDITIONS OF APPROVAL DRC2005-00137

Approved Development

1. This approval authorizes
 - a. a Minor Use Permit/Coastal Development Permit to allow the addition of a single story 780 square foot mobile home as a secondary residence on the property, and a waiver of the road improvement and paving requirements for the secondary residence. The project will result in the disturbance of approximately 780 square feet of a 1.03 acre parcel.
 - b. maximum height is 15' from average natural grade.

Conditions required to be completed at the time of application for construction permits

Site Development

2. **At the time of application for construction permits**, submit a revised site plan to the Department of Planning and Building for review and approval. The revised plan shall indicate the following and development shall be consistent with this revised and approved plan:
 - a. The proposed secondary dwelling unit shall be located no more than 50' from the primary dwelling unit on the property.
3. **At the time of application for construction permits**, the applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp or the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.
4. The applicant shall contact the Department of Public Works for any drainage improvements/drainage plans that are necessary for this proposed project site.

Fire Safety

5. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in the Fire Safety Plan, prepared by the CDF/County Fire Department for this proposed project.

Services

6. **At the time of application for construction permits**, the applicant shall submit evidence that there is adequate water to serve the proposal, on the site.
7. **At the time of application for construction permits**, the applicant shall submit evidence that a septic system, adequate to serve the proposal, can be installed on the site.

Conditions to be completed prior to issuance of a construction permit

Fees

8. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.

Conditions to be completed during project construction

Building Height

9. The maximum height of the project is 12' feet from average natural grade.

Conditions to be completed prior to occupancy or final building inspection /establishment of the use

10. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection and approval from CDF of all required fire/life safety measures.
11. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.
12. **Prior to final building inspection**, the applicant shall record a notice against the property notifying any subsequent purchaser that failure to meet the requirements of 23.08.169 (2) (occupancy of primary and secondary units) will subject the second unit to abatement by the county pursuant to Chapter 23.10 of the Coastal Zone Land Use Ordinance.

On-going conditions of approval (valid for the life of the project)

13. The owner of the site shall agree to occupy one unit on the site as his/her primary residence.
14. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 23.02.042 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
15. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Land Use Ordinance.

SITE



PROJECT

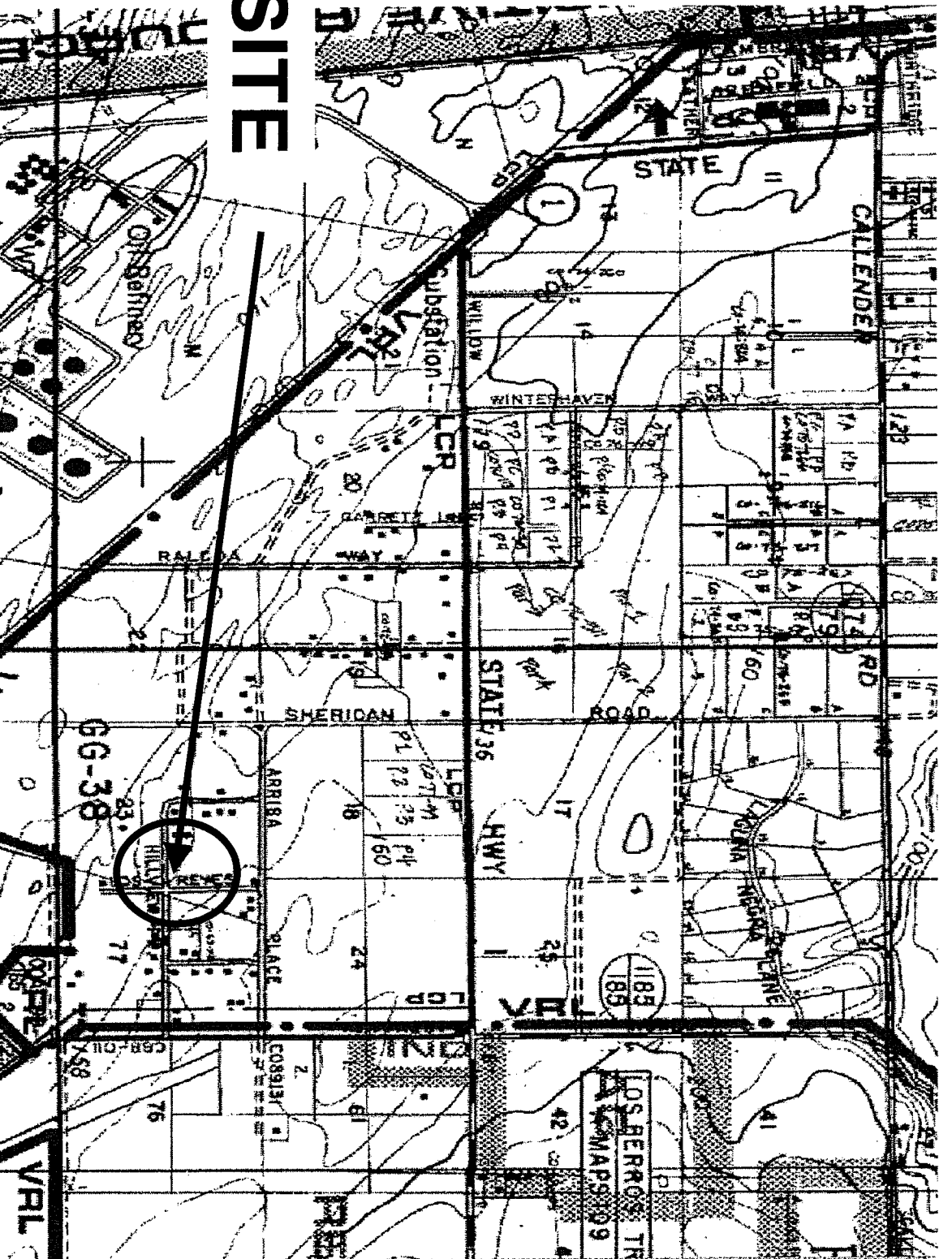
Minor Use Permit

Gonzales DRC2005-00135



EXHIBIT

Vicinity Map



SITE

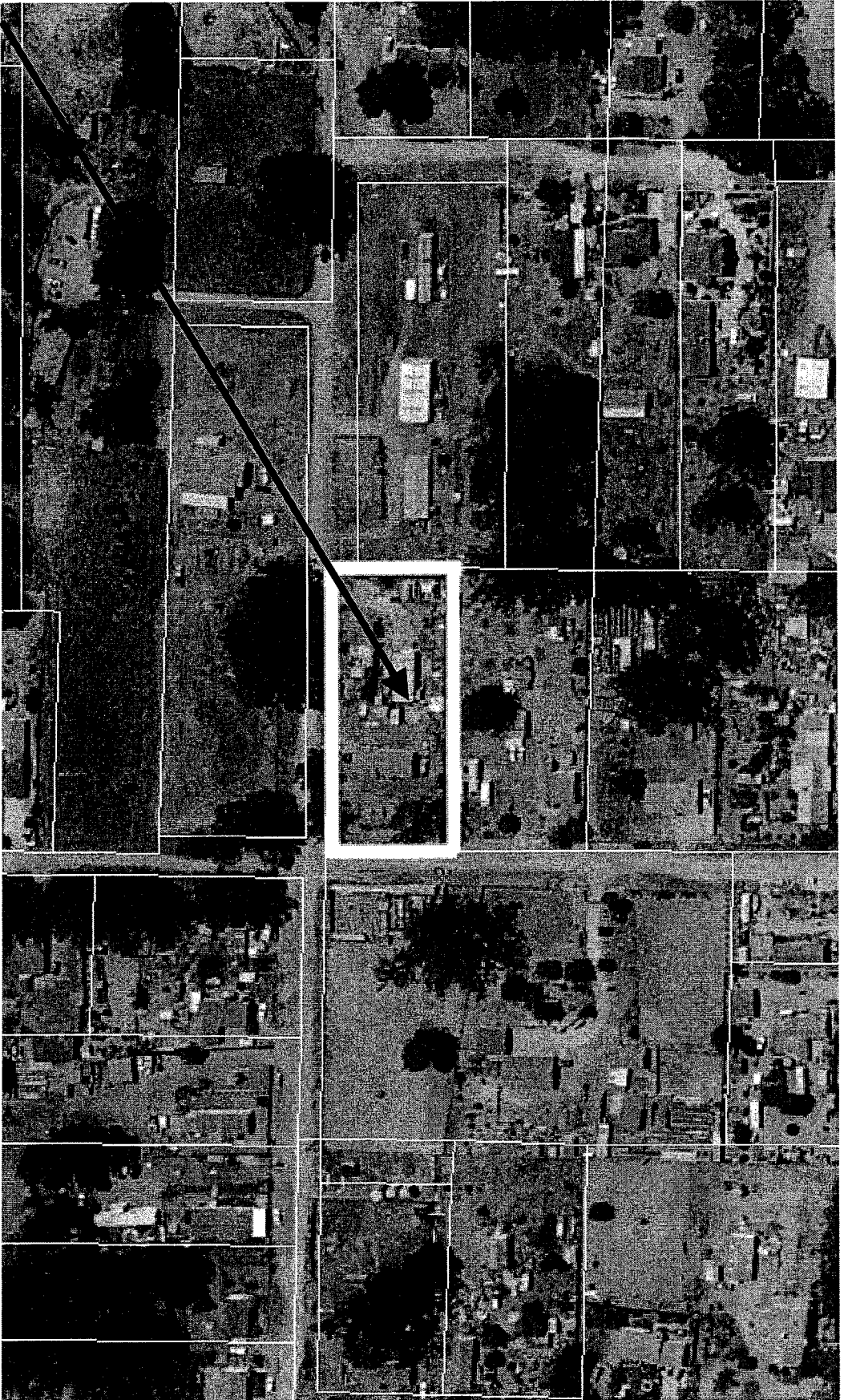
PROJECT

Minor Use Permit
Gonzales DRC2005-00135



EXHIBIT

Land Use Category



SITE

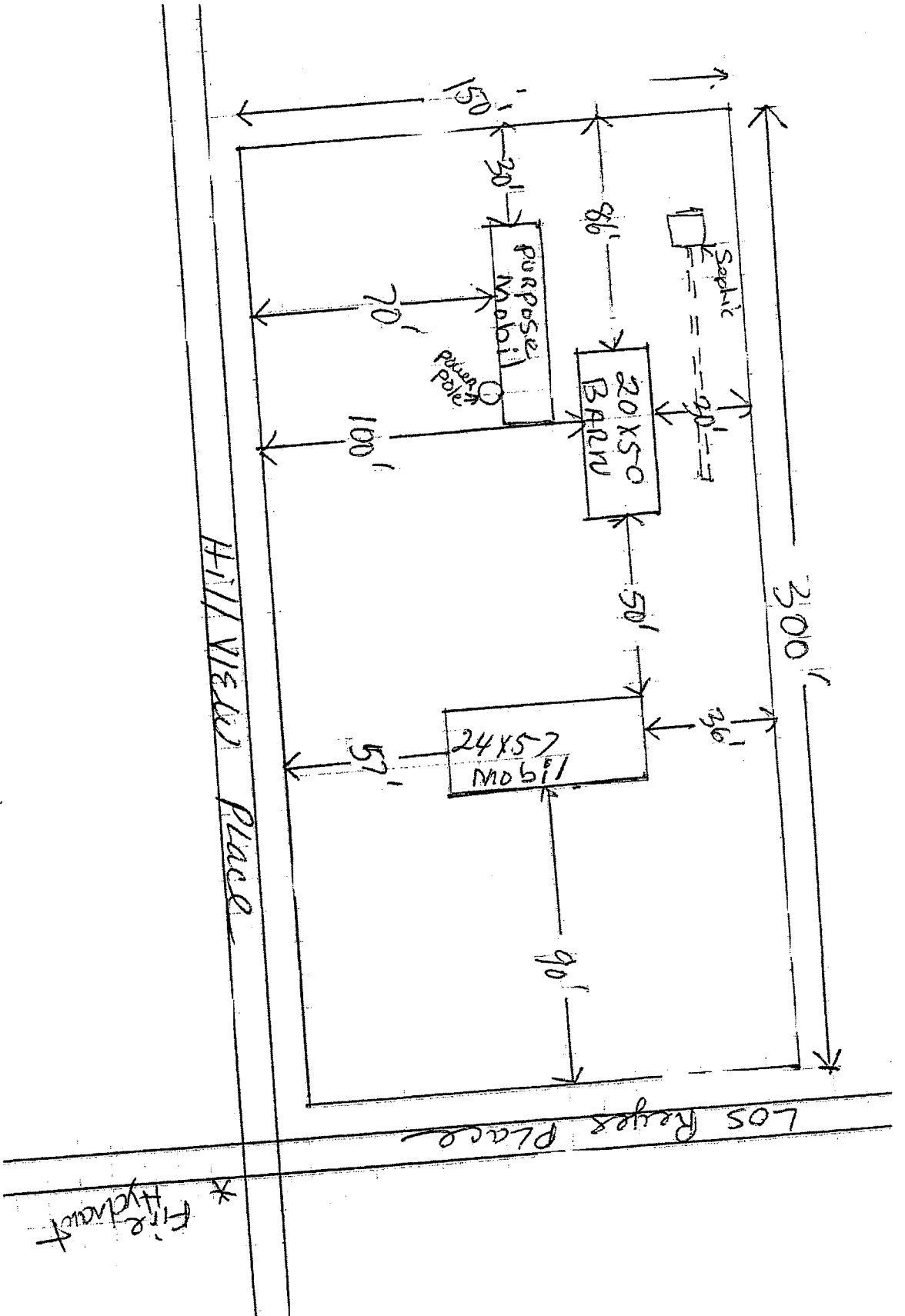
PROJECT

Minor Use Permit
Gonzales DRC2005-00135



EXHIBIT

Aerial



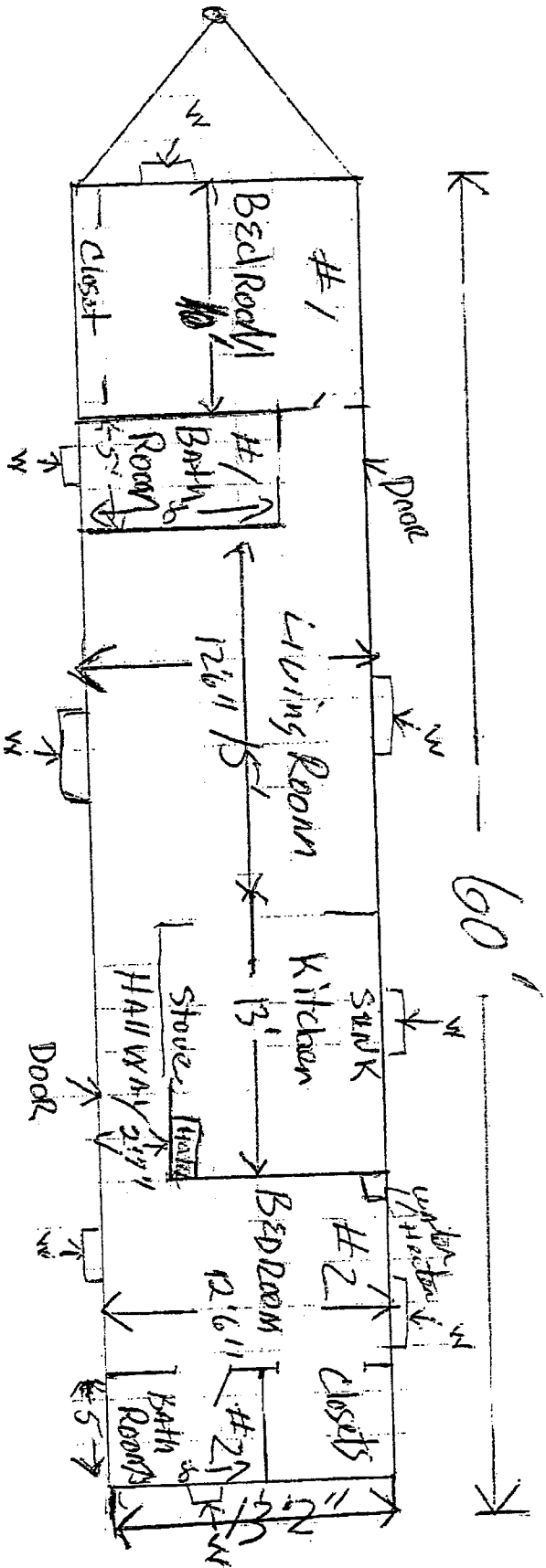
PROJECT

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EXHIBIT

Site Plan



PROJECT

Minor Use Permit
Gonzales DRC2005-00135



EXHIBIT

Floor Plan